

## Message Text

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PAGE 01 MONTRE 00750 132239 Z

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ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 SS-15 NSC-10 L-03 H-02

PA-03 PRS-01 USIA-12 RSR-01 AF-10 ARA-11 EA-11 NEA-10

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FM AMCONSUL MONTREAL  
TO SECSTATE WASHDC 3124

UNCLAS MONTREAL 0750

FROM US REP ICAO

E. O. 11652 : N/A

TAGS: OCON, ETRN, CA

SUBJ: ICAO LEGAL SUBCOMMITTEE MEETING ON ROME CONVENTION,  
MONTREAL, APRIL 2 - 12, 1973 - SUMMARY REPORT OF U. S.  
DELEGATION

BEGIN SUMMARY: THE LEGAL SUBCOMMITTEE ON THE ROME CONVENTION WAS  
UNABLE TO RESOLVE ANY OF THE MAJOR ISSUES BEFORE IT. GENERAL  
DISCUSSIONS WERE HELD AND CERTAIN POSITIONS WHICH EMERGED DID  
GAIN SOME SUPPORT. NO VOTES OR DECISIONS WERE TAKEN NOR WAS ANY  
DRAFTING DONE. THE COMMITTEE DECIDED BY CONSENSUS THAT IT COULD  
DO NO FURTHER USEFUL WORK WITHOUT FURTHER GUIDANCE FROM THE LEGAL  
COMMITTEE. THE MAJOR SUBJECTS DISCUSSED AND VIEWS FOLLOW.  
END SUMMARY.

1. NOISE - DELEGATIONS WERE DIVIDED AS TO WHETHER THE CONVENTION  
SHOULD REGULATE LIABILITY FOR NOISE DAMAGE AND THE TYPE OF DAMAGE  
WHICH SHOULD BE COVERED. THE MAJORITY STATEMENTS, SUPPORTED BY  
THE SECRETARY OF THE SUBCOMMITTEE, INDICATED THAT THE CONVENTION  
WAS INTENDED TO AND THEREFORE DID PROVIDE FOR COVERAGE OF LIABILITY  
FOR NOISE DAMAGE. THE GREATEST CONCERN WAS EXPRESSED OVER  
NOISE AT AIRPORTS AND THE NEED TO RESOLVE THIS PROBLEM. THE  
MAJORITY SEEMED TO FAVOR THE U. S. POSITION THAT FOR THE PRESENT,  
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PAGE 02 MONTRE 00750 132239 Z

LIABILITY FOR NOISE DAMAGE SHOULD BE TAKEN OUT OF THE CONVENTION AND LEFT TO LOCAL LAW. ANOTHER VIEW WOULD LEAVE THE CONVENTION UNCHANGED WITH THE ASSUMPTION LIABILITY FOR NOISE WOULD BE LIMITED TO CASES WHERE THE OPERATOR VIOLATED EXISTING AIR TRAFFIC REGULATIONS.

2. SONIC BOOM - THERE SEEMED TO BE GENERAL AGREEMENT THAT LIABILITY FOR SONIC BOOM SHOULD BE STRICT. IT WAS ASSUMED THAT THERE WOULD BE CERTAIN DEFENSES BUT THESE WERE NOT DISCUSSED IN SPECIFIC TERMS. THE MAJORITY FAVORED A FRENCH PROPOSAL TO AMEND THE CONVENTION TO PROVIDE FOR SONIC BOOM.

3. LIMITS OF LIABILITY - THE MAJORITY OF THE SPEAKERS NOTED THAT THE PRESENT LIMITS OF LIABILITY WERE TOO LOW AND NEED REVISION. FRANCE PROPOSED A SPECIFIC REVISION OF THREE TIMES THE PRESENT LIMITS WHICH WOULD BRING THE ROME CONVENTION INTO LINE WITH THE PASSENGER LIABILITY LIMITS IN THE GUATEMALA PROTOCOL THUS PUTTING PERSONS ON THE GROUND ON AN EQUAL FOOTING WITH PASSENGER LIABILITY. THE PREVAILING VIEW WAS THAT IT WAS PREMATURE TO SET ANY FIGURES.

4. CONSOLIDATION PROPOSAL - THE U. S. DEL SUPPORTED EFFORTS BY JAPAN AND ARGENTINA TO DISCUSS THE FEASIBILITY OF CONSOLIDATING THE ROME CONVENTION WITH THE PROPOSED CONVENTIONS ON LIABILITY OF THE AIR TRAFFIC CONTROL AGENCIES AND ON AERIAL COLLISIONS. THE EFFORTS WERE OPPOSED AND NO DISCUSSION WAS HELD.

5. RECOMMENDATIONS FOR FUTURE WORK - THE SUBCOMMITTEE BY CONSENSUS DECIDED THAT IT COULD DO NO FURTHER USEFUL WORK WITHOUT GUIDANCE FROM THE LEGAL COMMITTEE. THE QUESTION OF HOW THE SUBJECT SHOULD BE STUDIED ( I. E. SPECIFIC AMENDMENTS) SHOULD BE DECIDED BY THE LEGAL COMMITTEE.  
TOPPING

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\*\*\* Current Classification \*\*\* UNCLASSIFIED

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